

Order

Michigan Supreme Court
Lansing, Michigan

June 22, 2011

Robert P. Young, Jr.,
Chief Justice

142695

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 142695
COA: 295125
Oakland CC: 2009-009016-AR

ALEXANDER EDWARD KOLANEK,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 11, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether, in order to have a valid affirmative defense for the medical use of marijuana under MCL 333.26428(a)(1), a defendant must obtain the required physician statement after the date of enactment of the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, but before the date of the defendant's arrest.

We further ORDER that this case be argued and submitted to the Court together with the case of *People v Kolanek* (Docket No. 142712), at such future session of the Court as both cases are ready for submission.

The Attorney General, the Criminal Defense Attorneys of Michigan, and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 22, 2011

Corbin R. Davis

Clerk